

# SENATE, No. 440

## STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**SYNOPSIS**

“Drew’s Law”; allows counties and municipalities to establish, or request DOT to establish, 15 miles per hour speed limit in or near certain parks and to set increased penalty for violating speed limit.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning speed limits in or near certain public parks,  
2 designated as Drew's Law, and amending R.S.39:4-98 and  
3 R.S.39:4-104.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. R.S.39:4-98 is amended to read as follows:

9 39:4-98. Rates of speed. Subject to the provisions of R.S.39:4-  
10 96 and R.S.39:4-97 and except in those instances where a lower  
11 speed is specified in this chapter, it shall be prima facie lawful for  
12 the driver of a vehicle to drive it at a speed not exceeding the  
13 following:

14 a. Twenty-five miles per hour, when passing through a school  
15 zone during recess, when the presence of children is clearly visible  
16 from the roadway, or while children are going to or leaving school,  
17 during opening or closing hours;

18 b. (1) Twenty-five miles per hour in any business or  
19 residential district;

20 (2) Thirty-five miles per hour in any suburban business or  
21 residential district;

22 (3) Fifteen miles per hour pursuant to the provisions of section 2  
23 of P.L. , c. (C. ) (pending before the Legislature as this  
24 bill);

25 c. Fifty miles per hour in all other locations, except as  
26 otherwise provided in the "Sixty-Five MPH Speed Limit  
27 Implementation Act," pursuant to **[section 2 of]**  
28 P.L.1997, c.415 (C.39:4-98.3 et al.).

29 Whenever it shall be determined upon the basis of an engineering  
30 and traffic investigation that any speed hereinbefore set forth is  
31 greater or less than is reasonable or safe under the conditions found  
32 to exist at any intersection or other place or upon any part of a  
33 highway, the Commissioner of Transportation, with reference to  
34 State highways, may by regulation and municipal or county  
35 authorities, with reference to highways under their jurisdiction, may  
36 by ordinance, in the case of municipal authorities, or by ordinance  
37 or resolution, in the case of county authorities, subject to the  
38 approval of the Commissioner of Transportation, except as  
39 otherwise provided in R.S.39:4-8, designate a reasonable and safe  
40 speed limit thereat which, subject to the provisions of R.S.39:4-96  
41 and R.S.39:4-97, shall be prima facie lawful at all times or at such  
42 times as may be determined, when appropriate signs giving notice  
43 thereof are erected at such intersection, or other place or part of the  
44 highway. Appropriate signs giving notice of the speed limits  
45 authorized under the provisions of paragraph (1) of subsection b.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 and subsection c. of this section may be erected if the commissioner  
2 or the municipal or county authorities, as the case may be, so  
3 determine they are necessary. Appropriate signs giving notice of  
4 the speed limits authorized under the provisions of subsection a.  
5 and paragraph (2) of subsection b. of this section shall be erected by  
6 the commissioner or the municipal or county authorities, as  
7 appropriate.

8 When designating reasonable and safe speed limits for a street  
9 under its jurisdiction pursuant to this subsection, as part of an  
10 engineering and traffic investigation, a municipality or county shall  
11 consider, but not be limited to, the following criteria: residential  
12 density; the presence, or lack, of sidewalks; the prevalence of entry  
13 and exit ways for business and commercial establishments; whether  
14 school children walk adjacent to the street on their way to and from  
15 school; and the proximity of recreational or park areas, schools,  
16 community residences, family day care homes, child care centers,  
17 assisted living facilities or senior communities. Nothing in this  
18 paragraph shall substitute for traffic count, accident, and speed  
19 sampling data as appropriate.

20 The driver of every vehicle shall, consistent with the  
21 requirements of this section, drive at an appropriate reduced speed  
22 when approaching and crossing an intersection or railway grade  
23 crossing, when approaching and going around a curve, when  
24 approaching a hill crest, when traveling upon any narrow or  
25 winding roadway, and when special hazard exists with respect to  
26 pedestrians or other traffic or by reason of weather or highway  
27 conditions.

28 The Commissioner of Transportation shall cause the erection and  
29 maintenance of signs at such points of entrance to the State as are  
30 deemed advisable, setting forth the lawful rates of speed, the  
31 wording of which shall be within his discretion.

32 (cf: P.L.2009, c.258, s.1)

33

34 2. (New section) a. Notwithstanding the provisions of any  
35 other law to the contrary, a county or municipality may establish,  
36 by resolution or ordinance as appropriate, a speed limit of 15 miles  
37 per hour:

38 (1) on county or municipal roads located in a park owned or  
39 controlled by the county or municipality during hours of operation,  
40 when children are clearly visible from the roadway, or while  
41 children are going to or leaving a park event; or

42 (2) on county or municipal roads adjacent to a park owned or  
43 controlled by the State or the county or municipality during hours  
44 of operation, when children are clearly visible from the roadway, or  
45 while children are going to or leaving a park event.

46 b. Notwithstanding the provisions of any other law to the  
47 contrary, the Department of Transportation may establish, by  
48 written order of the commissioner, a speed limit of 15 miles per

1 hour on State roads which are located in or directly adjacent to a  
 2 park owned or controlled by the State or a county or municipality  
 3 during hours of operation, when children are clearly visible from  
 4 the roadway, or while children are going to or leaving a park event  
 5 if the county or municipality in which the park is located adopts a  
 6 resolution or ordinance, as appropriate, requesting that the  
 7 department adopt the 15 miles per hour speed limit.

8 c. A State, county, or municipal road with a 15 miles per hour  
 9 speed limit established pursuant to subsection a. or subsection b. of  
 10 this section shall include proper signage to notify operators of  
 11 motor vehicles of the reduced speed limit.

12 d. As used in this section:

13 "Park" means a park, playground, picnic area, square, monument,  
 14 beach, waterfront, recreation area, conservation area, or similar  
 15 place or property.

16 "Playground" means an improved area designed, equipped, and  
 17 set aside for play of six or more children which is not intended for  
 18 use as an athletic playing field or athletic court, and shall include  
 19 any play equipment, surfacing, fencing, signs, internal pathways,  
 20 internal land forms, vegetation, and related structures.

21  
 22 3. R.S.39:4-104 is amended to read as follows:

23 39:4-104. **[A]** a. Except as provided in subsection b. of  
 24 this section, a person violating a section of this article shall, for  
 25 each violation, be subject to a fine of not less than **[\$50.00]** \$50 or  
 26 more than **[\$200.00]** \$200 , or imprisonment for a period not  
 27 exceeding 15 days, or both, except as herein otherwise provided.

28 b. A person violating paragraph (3) of subsection b. of  
 29 R.S.39:4-98 shall be subject to a fine of not less than \$100 or more  
 30 than \$400, as determined by the county or municipality by  
 31 resolution or ordinance.

32 (cf: P.L.1982, c.45, s.4)

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 34 4. This act shall take effect immediately.

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# STATEMENT

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39 This bill allows a county or municipality to establish a speed  
 40 limit of 15 miles per hour on county or municipal roads in or  
 41 adjacent to a park owned or controlled by the county or  
 42 municipality, or adjacent to a park owned or controlled by the State,  
 43 during hours of operation, when children are clearly visible from  
 44 the roadway, or while children are going to or leaving a park event.  
 45 The bill allows the Commissioner of Transportation to establish a  
 46 speed limit of 15 miles per hour on State roads which are located in  
 47 or directly adjacent to a park owned or controlled by the State or a  
 48 county or municipality during hours of operation, when children are

## **S440 SACCO**

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1 clearly visible from the roadway, or while children are going to or  
2 leaving a park event upon request from the county or municipality  
3 in which the park is located. Any road with a 15 miles per hour  
4 speed limit established pursuant to the bill is required to provide  
5 proper signage to notify operators of motor vehicles of the reduced  
6 speed limit. The term "park" is defined to mean a park, playground,  
7 picnic area, square, monument, beach, waterfront, recreation area,  
8 conservation area, or similar place or property.

9 Under current law, a person who exceeds the speed limit may be  
10 fined not less than \$50 or more than \$200. This bill allows a county  
11 or municipality to establish a fine not less than \$100 or more than  
12 \$400 for violating the 15 miles per hour speed restriction on roads  
13 in parks or adjacent to parks during hours of operation, when  
14 children are clearly visible from the roadway, or while children are  
15 going to or leaving a park event.

16 This bill is named "Drew's Law" in honor of Drew Keough. On  
17 April 22, 2014, 11 year-old Drew was tragically struck and killed  
18 by a motor vehicle while crossing the street near Keansburg's  
19 Forest Park after playing basketball in the park. His untimely death  
20 was a shock to the community and hundreds of people gathered to  
21 grieve his death by candlelight vigil the following day. In light of  
22 this tragedy, the bill endeavors to prevent fatal motor vehicle  
23 accidents in or near parks by allowing counties and municipalities  
24 to reduce the speed limit to 15 miles per hour, at certain times, on  
25 streets passing through and adjacent to certain parks.